

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

CONSERVATION LAW FOUNDATION, INC.,

Plaintiff,

v.

EQUILON ENTERPRISES LLC (d/b/a SHELL
OIL PRODUCTS US), SHELL OIL COMPANY,
SHELL PETROLEUM, INC.,
SHELL TRADING (US) COMPANY, MOTIVA
ENTERPRISES LLC, TRITON TERMINALING
LLC, and EQUILON ENTERPRISES LLC,

Defendants.

C.A. No. 1:17-cv-00396-WES-LDA

JOINT STATUS REPORT

Plaintiff Conservation Law Foundation, Inc. (“CLF”) and Defendants Shell USA, Inc. f/k/a Shell Oil Company, Shell Petroleum Inc., Shell Trading (US) Company, Motiva Enterprises LLC, Triton Terminaling LLC, and Equilon Enterprises LLC d/b/a Shell Oil Products US (“Defendants”) (collectively, “Parties”) respectfully submit this Joint Status Report pursuant to this Court’s May 23, 2023 Text Order granting the Parties’ joint motion to stay discovery deadlines (ECF 103) to update the Court on proceedings in the matter of *Conservation Law Foundation, Inc. v. Shell Oil Products US, et al.*, Civil Action No. 3:21-cv-00933-JAM (the “Connecticut Litigation”). For the sake of brevity, the Parties incorporate by reference their prior Joint Status Reports. *See* ECF 104, 106, 108, 112, 114, 129, 136, 144, 147, 150, 153, 154, 156, 165, and 166.

Since the Parties filed their last Joint Status Report, ECF 166, the following has transpired:

1. The Parties continue to confer regarding potential dates for the deposition of Mr. David Martinez, the Terminal Operations Supervisor for the Providence Terminal, and additional document productions for the deposition. On September 11 and 23, 2024, CLF followed up with

Defendants about potential deposition dates and additional document productions. Defendants have indicated that they will provide a response.

2. The Parties continue to meet and confer regarding Defendants' objections to Plaintiff's First Set of RFPs and Third Set of RFPs, the production of certain types of documents, and prior discovery motions, namely, CLF's Motion to Compel Interrogatory Responses (ECF 115), CLF's Motion to Compel Compliance with Subpoena Duces Tecum (ECF 118), Dr. Sergio Jaramillo's Motion for Protective Order (ECF 133), and Defendants' Motion to Quash CLF's Subpoena of Dr. Jaramillo (ECF 139). On September 5, 2024, CLF sent a letter to Defendants about the foregoing items. On September 12, 2024, Defendants informed CLF that they are working on a response to the letter. CLF since followed up with Defendants, and Defendants provided a letter response on September 26, 2024, in which they addressed issues raised in CLF's letter and presented additional issues or concerns of their own. At this time, the Parties appear to have reached an impasse as to certain items but remain open to discussion as to others.

3. On September 13, 2024, this Court issued an order entering the case management schedule outlined in ECF 155, which the Parties proposed on June 7, 2024. The Parties intend to seek leave to modify the scheduling order so that they may continue working towards resolution of the issues.

DATED: September 30, 2024

Respectfully submitted,

/s/ Kenneth Rumelt

Christopher M. Kilian, Esq.*
Kenneth Rumelt, Esq.*
Conservation Law Foundation, Inc.
15 East State Street, Suite 4
Montpelier, VT 05602
(802) 622-3011
(802) 622-3020

/s/ Douglas A. Henderson

Douglas A. Henderson
Rose Hunter Jones
King & Spalding
1180 Peachtree Street N.E. Ste. 1600
Atlanta, GA 30309-3521
(404) 572-4600
dhenderson@kslaw.com

ckilian@clf.org
krumelt@clf.org

James Crowley, Esq.
RI Bar # 9405
Conservation Law Foundation, Inc.
235 Promenade Street
Suite 560, Mailbox 28
Providence, RI 02908
(401) 228-1905
Fax (401) 351-1130
jcrowely@clf.org

Attorneys for Plaintiff
**Admitted Pro Hac Vice*

rjones@kslaw.com

Antonio Lewis
King & Spalding
300 S Tryon Street Ste. 1700
Charlotte, NC 28202
(704) 503-2600

Bina R. Reddy (admitted *pro hac vice*)
BEVERIDGE & DIAMOND, P.C.
400 W. 15th Street, Suite 1410
Austin, TX 78701
(512)391-8000
breddy@bdlaw.com

John S. Guttmann (admitted *pro hac vice*)
BEVERIDGE & DIAMOND, P.C.
1900 N Street, NW Washington, DC 20036
(202) 789-6020
jguttman@bdlaw.com

Roy D. Prather, III (admitted *pro hac vice*)
Megan L. Morgan (admitted *pro hac vice*)
BEVERIDGE & DIAMOND, P.C.
201 North Charles Street, Suite 2210
Baltimore, MD 21201-4150
T: (410) 230-1300
rprather@bdlaw.com mmorgan@bdlaw.com

Robert D. Fine (2447)
Chace, Ruttenberg & Freedman, LLP One
Park Row, Suite 300 Providence, RI 02903
(401) 453-6400
rfine@crflp.com

Anthony G. Papetti (admitted *pro hac vice*)
BEVERIDGE & DIAMOND, P.C.
825 Third Avenue 16th Floor
New York, NY 10022
(212) 702-5442
apapetti@bdlaw.com

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on September 30, 2024, the foregoing Joint Status Report was filed through the Court's electronic filing system ("ECF"), through which the document is available for viewing and downloading from the ECF system, and a copy of the filing will be sent electronically to all parties registered with the ECF system.

/s/ Douglas A. Henderson

Douglas A. Henderson